

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Carrier Current Systems, including Broadband over)	ET Docket No. 03-104
Power Line Systems)	
)	
Amendment of Part 15 regarding new requirements)	ET Docket No. 04-37
and measurement guidelines for Access Broadband)	
over Power Line Systems)	
)	

Broadband over Power Lines (BPL) has the potential for far greater interference than the Commission appears to realize. This is not trivial or nuisance-level interference, but the kind of interference that makes the *licensed* services on the same frequency unusable.

Because of this potential, I believe the NPRM should be strengthened in the direction of requiring unlicensed BPL operators to demonstrate their interference-reduction capabilities, and to require these operators to eliminate their interference to licensed services. Two recent events in the BPL debate demonstrate and clarify this need.

Utilities unwilling to abate BPL interference

On April 22, Progress Energy Corp of North Carolina informed FCC that it had abated all instances of interference from BPL, despite outstanding unresolved requests in its area. There could not be a clearer demonstration of the problems potentially caused by BPL. Though the company has evidently removed or reduced some interference, there are other frequency regions which it has decided not to address.

According to Part 15, an unlicensed operation, such as BPL, must remove any interference caused to licensed services, even to the extent of ceasing operation if required. The PEC letter demonstrates that the utility misunderstands or does not take seriously its responsibility for abatement, and instead intends to treat itself as a licensed entity, which it is not.

NTIA report

In its report, NTIA says:

Interference to ... fixed stations receiving moderate-to-strong radio signals is likely in areas extending to ... 230 meters, ... from one BPL device and the power lines to which it is connected. With low-to-moderate desired signal levels, interference is likely at these receivers within areas extending to ... 460 meters from the power lines. (Cover letter, p. 2)

This means that within a large area, services involved in low-signal work (such as amateur radio) will encounter continuous, 24-hour a day, interference that makes their frequencies essentially unusable, *despite operation within the limits prescribed by Part 15!*

This means it will be essential that Access BPL deployments have a clearly identified responsibility to remove interference caused to licensed operations. Though this is a clear requirement of operation under Part 15, it appears (at least to PEC) that utilities will consider that their explicit mention in Part 15 confers special standing on them, which relieves them of the clear responsibilities that Part 15 mandates. This Part 15 requirement is incompatible with the sale of Access BPL services, but since BPL is not a licensed service, notwithstanding its commercial

nature, it must be subject to the same Part 15 rules as other licensed users. The Commission should even consider whether Access BPL providers should be required to explain the nature of their responsibility under Part 15 to their customers, to prevent consumers' misunderstanding of which service has precedence in the radio spectrum.

I think the concerns evident in these two recent events described above should cause the Commission to realize the need for more stringent regulation for BPL. I urge the Commissioners to consider the request of US Representative Greg Walden to give sufficient attention to BPL's capacity to cause interference to other services, and to having effective regulation in place to ensure that remediation can be obtained if necessary.

To me, at this time, the NPRM appears too open-ended, and premature in view of the huge volume of information becoming available about BPL's characteristics. The NTIA study is a major source of this information, but more is being generated at a high rate by current experimental BPL trials. Of course, the NTIA has a Phase 2 trial which is not even begun yet, and this stands to develop much specific knowledge that would be the sound basis for future rulemaking, compared with our current state of comparative ignorance.

In view of this, I urge the Commission to postpone issuance of the proposed rule-making until the proposed encouragements to BPL can be complemented by suitable safeguards to other, existing licensed services. Within months, it appears that there will be substantially better information available on which to base appropriate rules for the regulation of BPL.

Respectfully submitted,

Gregory P. Widin